

REMARKS/ARGUMENTS

Status of the claims

In this amendment, withdrawn claims 49-55 have been canceled. Thus, no new matter has been added. Upon entry of this amendment, claims 1-32, 37, 45-48, and 56 will be pending. Reconsideration is respectfully requested in light of the remarks which follow.

Examiner telephone call

Applicants thank the Examiner for the helpful telephone conversation of February 25, 2008. During this call, the obviousness-type double patenting rejection was discussed, and it was agreed that the double patenting rejection with respect to claim 11 would be withdrawn if Applicants canceled the process claims which had been withdrawn due to a restriction requirement.

Withdrawn rejections

Applicants acknowledge the Examiner's withdrawal in the present Office Action of the prior claim rejections under 35 U.S.C. § 112, first and second paragraphs, in light of the Applicants' claim amendments in the prior Office Action response. *See* Office Action at page 2.

Allowable claims

Applicants acknowledge the Examiner's determination that claims 1-11 and 46-48 are allowable over the prior art of record. *See* Office Action at pages 3 and 4.

Obviousness-type double patenting rejection

Claim 11 stands provisionally rejected on the grounds of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1, 6, and 21 of co-pending U.S. Application Nos. 11/133,804 and 11/437,095. In the telephone conversation of February 25, 2008, the Examiner indicated that the double patenting rejection of claim 11, the only remaining rejection to the claims under consideration in the present case, was being maintained in view of the fact that withdrawn process claims 49 and 50 had not been examined, and that upon rejoinder, these claims might be subject to rejection. *See* Office Action at page 5. The Examiner agreed to withdraw the double patenting rejection of claim 11 if Applicants canceled the withdrawn process claims. In the interest of expediting prosecution of the presently

allowable product claims, Applicants have canceled the withdrawn claims. Accordingly, Applicants respectfully request that this rejection be withdrawn and claims 1-32, 37, 45-48, and 56 be allowed to issue as a patent.

Claim objections

Claims 12-32, 37, 45, and 56 stand objected to as being dependent upon a rejected base claim. Claims 12-32, 37, 45, and 56 depend upon base claim 11, which stands rejected on the grounds of non-statutory obviousness-type double patenting. The Examiner's withdrawal of the double patenting rejection of claim 11, upon Applicants' cancellation of the withdrawn process claims, obviates this ground for objection with respect to claims 12-32, 37, 45, and 56, as these claims would no longer be dependent upon a rejected base claim. Accordingly, Applicants respectfully request withdrawal of the objection.

Rejoinder of process claims

Applicants thank the Examiner for the reminder of the rejoinder paragraph which appeared in the restriction requirement mailed July 13, 2006. In that restriction requirement, the Examiner required a restriction between product and process claims. In response, Applicants elected the product claims for prosecution. In the interest of expediting prosecution at this time, Applicants have elected to cancel the withdrawn claims, reserving the right to pursue these claims in related continuation applications.

CONCLUSION

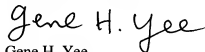
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/699,562
Amdt. dated February 29, 2008
Reply to Office Action of November 30, 2007

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gene H. Yee".

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